

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** May 27, 2011  
**POSITION:** Oppose

**BILL NUMBER:** AB 618  
**AUTHOR:** W. Furutani

### **BILL SUMMARY:** Court Interpreters

This bill would enact the California Language Access Bill of Rights and would provide that a person who is charged with a crime and is unable to understand English has the right to a competent interpreter provided by the court, as specified.

### **FISCAL SUMMARY**

The Judicial Branch indicates that this bill would result in significant costs because most courts have a limited number of interpreters and if no local interpreter is available or qualified, the court would have to contract for an out of the area interpreter and have all expenses covered by the court. The Judicial Branch also notes this bill would further exacerbate the significant cuts the courts have sustained in the 2011 Budget Act.

### **COMMENTS**

The Department of Finance is opposed to this bill because it would result in additional General Fund costs that are not included in the Administration's current fiscal plan. We note that this bill may be unnecessary, because the courts currently provide interpreter services in over 100 languages, pursuant to existing law.

Existing law requires, when a witness is incapable of understanding the English language or expressing himself or herself in the English language so as to be understood directly by counsel, court, and jury, an interpreter to be sworn to interpret for him or her. Existing law requires the Judicial Council to conduct a study of language and interpreter use and need in court proceedings, with commentary, and to report its findings and recommendations to the Governor and Legislature every five years.

This bill would:

- Enact the California Language Access Bill of Rights.
- Provide that a person who is unable to understand English, and who is charged with a crime, has the right to a competent interpreter provided by the court to provide exclusive and ongoing interpretation services throughout any proceeding as required by law.
- Provide that a person who is charged with a crime has a right to a determination by the court of the competence of an interpreter at any time during a proceeding if, on the basis of the interpreter's provision of interpreter services during a criminal proceeding, the court determines that there is good cause to question whether the continued use of the interpreter in the proceeding may prejudice the rights of the person charged with the crime such that it would not be in the interest of justice or efficiency for the interpreter to continue.
- Prohibit a non-interpreter staff person of the court, or any person employed by the sheriff, probation department, prosecutor, jail, or corrections department of the prosecuting city or county from providing interpreter services during a proceeding.

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Analyst/Principal (0211) J. Osborn	Date	Program Budget Manager Lisa Ann L. Mangat	Date
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Department Deputy Director	Date
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Governor's Office:	By:	Date:	Position Approved _____
			Position Disapproved _____

<b>BILL ANALYSIS</b>	Form DF-43 (Rev 03/95 Buff)
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**BILL ANALYSIS/ENROLLED BILL REPORT--(CONTINUED)****Form DF-43****AUTHOR****AMENDMENT DATE****BILL NUMBER**

W. Furutani

May 27, 2011

AB 618

**Comments** (continued)

- Permit the right provided pursuant to these provisions to only be waived expressly by the person charged if the waiver is affirmatively shown to be intelligent and voluntary.
- Set forth legislative findings and declarations relating to ensuring an adequate supply of court interpreters without sacrificing essential stands for certification.

Code/Department Agency or Revenue Type	SO	(Fiscal Impact by Fiscal Year)							
	LA	(Dollars in Thousands)							
	CO	PROP							Fund
	RV	98	FC	2011-2012	FC	2012-2013	FC	2013-2014	Code
0250/Jud Branch	LA	No	-----	See Fiscal Summary				-----	0001